

UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF WASHINGTON  
 AT SEATTLE

TODD E. BROWNING,	)	CASE NO. C06-1729-RSL-MAT
	)	
Petitioner,	)	
	)	
v.	)	
	)	ORDER OF TRANSFER
REED HOLTGEERTS,	)	
	)	
Respondent.	)	
	)	


Petitioner is currently in custody in the King County Jail in Kent, Washington. He has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging a conviction entered against him by a state court in Montana. (Dkt. #1). Petitioner has not paid the filing fee nor sought leave to proceed *in forma pauperis*. Having considered the petition and the balance of the record, the court does hereby find and ORDER as follows:

(1) The statute governing petitions for habeas corpus provides that a petition may be filed either in the district “wherein such person is in custody *or* . . . the district within which State court was held which convicted and sentenced him.” 28 U.S.C. § 2241(d) (emphasis added). Both districts have concurrent jurisdiction to entertain the petition. *Id.* However, a district court

01 wherein a petition has been filed may, in the interest of justice, transfer the case to any other  
02 district in which the case could have been brought. *Id.* Because petitioner's conviction arose in  
03 Montana, and the records and attorneys associated with that conviction reside there, the court  
04 hereby directs that this case, in the interest of justice, be TRANSFERRED, to the United States  
05 District Court for the District of Montana.

06 (2) The Clerk is directed to close this case and transfer all original documents to the  
07 District of Montana. The Clerk is also directed to send a copy of this Order to petitioner at his  
08 address of record, and to Judge Theiler.

09 DATED this 5<sup>th</sup> day of December, 2006.

10   
11 Robert S. Lasnik  
12 United States District Judge  
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15 Recommended for entry  
16 this 4th day of December, 2006.

17 s/ Mary Alice Theiler  
18 United States Magistrate Judge  
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